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May 20, 2004

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ALL OTHERS LIMITED TO FEDERAL COURTS
AND AGENCIES

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **MS Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: Response to Restriction Requirement
Appl. No.: 10/091,342
Filed: March 6, 2002
Title: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**
Inventor(s): Burke, *et al.*
Our Ref: 7601/80250

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement; and
2. Return postcard.

Applicants do not believe that any fee is due for the filing of this document. However, the Commissioner is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment, to our Deposit Account No. 06-1135 under Order No. 7601/80250.

Commissioner of Patents
May 20, 2004
Page 2

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style with a large, stylized "M" and "S".

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

MAS:ct
Enclosures



1652
IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Burke, *et al.*

Appl. No.: 10/091,342

Filed: March 6, 2002

For: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**

Group Art Unit: 1652

Examiner: R. Prouty

Atty. Dkt. 7601/80250

Response to Restriction Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **MS Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Office Action dated May 4, 2004, in which the Examiner imposed a restriction requirement on the above-captioned application, Applicants hereby elect the inventions of restriction Group I. This includes claims 1-6, directed to a process of making L-amino acids using a coryneform bacteria in which the zwf gene is overexpressed and the poxB gene is attenuated. It is respectfully requested that the claims in the non-elected restriction groups, i.e., claims 7-16, be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fees, other than those that may be already provided for herewith, are required for the filing of the present document. Nevertheless, any additional fees that may be required may be charged to our Deposit Account No. 06-1135 under Order No. 7601/80250.

If the Examiner believes that a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: Michael A. Sanzo
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Attorney for Applicants

Date: May 19, 2004
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